

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building
Second Floor - Room 210
8:00 a.m.
October 19, 2005

MINUTES

STAFF MEMBERS PRESENT:

Derek Miller, Division Director
Mark Fagergren, Education/Licensing Director
Jon Brown, Enforcement Director
Dee Johnson, Investigator
Dave Mecham, Investigator
Blaine Ferguson, Assistant Attorney General
Judi Jensen, Assistant Attorney General
Renda Christensen, Board Secretary
Amy Corak, Real Estate Education Secretary

COMMISSION MEMBERS PRESENT:

Dorothy Burnham, Chair
Bonnie Peretti, Commissioner
H. Blaine Walker, Commissioner
Doyle "Sam" Sampson

The October 19, 2005, meeting of the Utah Real Estate Commission began at 8:15 a.m. with Chair Burnham conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes

The minutes for the September 21, 2005 meeting were approved as written.

DIVISION REPORTS

INVESTIGATIONS REPORT – Jon Brown

Mr. Brown said in September there were 46 written complaints logged, 12 new cases opened, 25 cases closed, leaving the number of open case files at 193. The Continuing Education audit report shows 51 new cases opened, and 21 cases closed, leaving the number of open files at 154.

DIRECTOR'S REPORT – Derek Miller

Director Miller said he has been working with Mr. Fagergren on the issue of delegating authority on hearings. He also reported he has been looking at other states in how they address licensing questions. He will be making some recommendations on these issues to the Commission at the next meeting.

EDUCATION/LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported the Division has been working on getting the Real Estate newsletter out. Chair Burnham suggested the Commissioners take turns writing articles for the newsletter. The Commissioners agreed a copy of each industry newsletter should be sent to the Executive Officers of the Boards of Realtors, and perhaps send copies of the sanctions when they are issued. They feel the sanctions will be useful for training purposes.

OTHER BUSINESS

Commissioner Walker brought up an issue that may be coming to the attention of the Division. There has been some discussion regarding the ladies that sit at Open Houses to direct the flow of information having to be licensed. Mr. Brown said it could be changed in a rule.

There are two rule changes that have gone through the public comment period and are ready to be made effective. R162-2-2, Licensing Procedure, would allow the Division to waive some or all of the pre-licensing education by virtue of college-level courses or other equivalent real estate education. R162-9-1, Objective and Specific Hour Requirements, is the change to harmonize the rule with the Division's practice of counting continuing education that have received Distance Education certification from the Division or from ARELLO as "live" courses. The motion was made and passed unanimously to enact the two proposed rules.

Ms. Christensen mentioned the volume of hearings that need to be scheduled. She said the hearings could be kept on a current schedule if the Commission would be willing to start the November 16th meeting at 8:30 a.m. and extend the day. It was agreed to follow the recommendation and begin the next meeting at the earlier time.

LICENSING HEARINGS

9:00 Benjamin Shaver – Application for License

9:25 Kenneth Spelman, Jr. – Application for License

An Executive Session was held from 9:55 a.m. to 9:55 a.m.

Licensing Hearings (Continued)

10:00 Cheryl Butterfield – Application for License
Chester Butterfield, Husband
Tonise Butterfield, Daughter

10:35 Cyril Anderson – Application for License
Howard Segal, Principal Broker, Exit Realty Solutions
David Anderson, Son

11:12 Brandy Schoen Ostrup – Application for Renewal of License
Laurence Huston, Principal Broker, American Preferred Real Estate
Michael Speth, Sales Agent

11:40 Amori Shaw – Application for License
Michael Shaw, Attorney, Husband

A motion to go into Executive Session was passed, and was held from 12:25 p.m. to 1:10 p.m. This was a working lunch.

Licensing Hearings (Continued)

1:10 John Adams – Application for Broker's License
Brian Hunt, Attorney
This was a teleconference hearing.

1:37 Christina Brooksby – Application for Renewal of License

2:15 David Grover – Application for License
Colleen Grover, Wife

2:50 David Ballstaedt, Jr. – Application for License

3:20 Cameron Hemphill – Application for License

3:35 David A. Brunet – Application for Renewal of License

Review of Criminal Convictions List for Commission Consideration:

Ezequel Alaniz
Ryan Campbell
Glen Wade Dudley
Robin Rieck
Antone Tomsich
James M. Wells

An Executive Session was held from 3:50 p.m. to 4:15 p.m.

Licensing Hearings (Continued)

4:15 Glen Boley – Application for License

An Executive Session was held from 5:25 p.m. to 5:40 p.m.

RESULTS OF EXECUTIVE SESSION

Informal Hearings:

Benjamin Shaver – Denied
Kenneth Spelman, Jr. – Granted
Cheryl Butterfield – Granted, immediately suspended until proof of probation is completed. License will be on probation for first term.

Cyril Anderson – Granted, pending broker notification.

Brandy Schoen Ostrup – Granted

Amori Shaw – Granted, immediately suspended until full restitution is made. License will be on probation for the first term of license, pending broker notification.

John Adams – Granted

Christina Brooksby – Granted

David Grover – Granted, immediately suspended until probation is completed. License will be on probation for the first term of license, pending broker notification.

David Ballstaedt, Jr. – Granted, immediately suspended until all court imposed financial obligations are met.

Cameron Hemphill – Granted, immediately suspended until proof of probation is completed.

David A. Brunet – Granted

Glen Boley - Denied

Stipulations:

Eric J. Lloyd - Approved

Criminal Convictions List:

Ezequiel Alaniz - Approved

Ryan Campbell - Approved

Glen Wade Dudley - Approved

Robin Rieck - Approved

Antone Tomsich - Approved

James M. Wells - Approved

A motion was made and accepted to adjourn the meeting at 5:45 p.m.